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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/600,209 | 06/20/2003 | Dhananjay V. Keskar | 042390.P16126 | 9022 |
| 59796 | 7590 | 09/03/2009 | | |
| INTEL CORPORATION c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402 | | | EXAMINER SMITH, CREIGHTON H | |
| | | | ART UNIT 2614 | PAPER NUMBER |
| | | | MAIL DATE 09/03/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/600,209 | Applicant(s) KESKAR ET AL. | |
| | Examiner CREIGHTON SMITH | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on rce filed on 08.03.09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 10, 12-14, 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7, 9, 10, 12-14, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of O'Neill et al.

Bork et al wireless communication device has an intelligent alerting system, col. 3, lines 34-36. The wireless device has an alerting system that is determined from the operating environment. The terminal's CPU will adjust the audio, visual, and tactile alerting signals based on a user's "physical context information," col. 2, lines 4-6 & 57-65, where Bork et al discloses that the wireless device samples the noise levels surrounding the terminal and other inputs such as light sensing, temperature sensing, motion sensing and the date. Bork's light, temperature, and motion sensing inputs read upon applicant's "physical context information" and Bork's real-time clock including date reads upon applicant's "location information." Also see col. 6, lines 53-60; col. 7, lines 53-61. Bork et al disclose a real-time clock 202 (including date) – col. 9, lines 42 et seq. The date, i.e., the "time of day" disclosed by Bork et al reads upon applicant's location information.

Bork et al fail to disclose that schedule information is one of the inputs that is going into their alerting system. However, O'Neill et al do disclose in P.0076 a Personal Information Manager that keeps a calendar for the customer notifying him/her of appointments, meetings, deadlines, etc. To have incorporated O'Neill et al teaching of

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using a calendar/scheduling information as part of the alerting/notifying means in Bork et al wireless device would have been obvious to a person having ordinary skill in the art because both Bork et al and O'Neill et al are disclosing different input means that are used to generate alerts in mobile devices, and the skilled artisan in the wireless arts, with these 2 references in front of her, would have found them readily combinable because of the fact that different inputs are being used to generate the alerts in Bork than in O'Neill, but common sense would show that the alerts of either reference could easily be used in the other reference. Applicant has taken old and well known elements from both Bork et al and O'Neill et al and arranged them in their application to perform the same function and has yielded no new results.

For claim 2, Bork et al disclose in col. 2, line 7 that the mobile device will modify its behavior notification by generating either a tactile or visual signal. This meets applicant's limitation of claim 2 of a flashing display screen and a blinking LED. For claim 4, Bork et al disclose in col. 2, lines 35 et seq. that one of the physical pieces of information is passive audible sensing of the environment which meets applicant's limitation in claim 4 of "ambient noise information." In lines 56 et seq. of col. 2, Bork et al disclose some other physical pieces of information that affect the alerting signal in the wireless device are: Light sensing, temperature sensing, and motion sensing. For claim 18, see Bork et al, cols. 10-11, lines 65-67 & 1-4.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

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/CREIGHTON SMITH/
Primary Examiner, Art Unit 2614